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 8 SEIU LOCAL 87

Attorneys for Plaintiffs  
 MARIA HERRERA, *et al.*  
 (Additional counsel listed below)

## UNITED STATES DISTRICT COURT

### NORTHERN DISTRICT OF CALIFORNIA

12 MARIA HERRERA, MARIA ALVAREZ, } Case No. C10-01888 RS  
 13 SALVADOR GALLARDO, MARIA VEGA, }  
 14 TARCISIO VEGA, JOSE TASAYCO, OLGA }  
 15 LOAIZA, ESPERANZA J. LOPEZ, }  
 16 MANUAL LOPEZ, JOSE A. LUNA, }  
 RUTILIO RIVAS, and CAROLINA }  
 RODRIGUEZ, individually and on behalf }  
 of all others similarly situated, }  
 17 Plaintiffs, }  
 18 vs. }  
 19 SERVICE EMPLOYEES }  
 20 INTERNATIONAL UNION LOCAL 87, }  
 21 SERVICE EMPLOYEES }  
 22 INTERNATIONAL UNION, and DOES 1 }  
 through 10, inclusive, }  
 23 Defendants. }

STIPULATION RE EXTENSION OF  
 TIME TO FILE OPPOSITION TO  
 MOTION FOR CLASS  
 CERTIFICATION: [PROPOSED]  
 ORDER AS MODIFIED BY THE COURT

Hearing Date: November 29, 2012  
 Judge: Hon. Richard Seeborg  
 Courtroom: 3

24 Plaintiffs MARIA HERRERA, MARIA ALVAREZ, SALVADOR GALLARDO,  
 25 MARIA VEGA, TARCISIO VEGA, JOSE TASAYCO, OLGA LOAIZA, ESPERANZA J.  
 26 LOPEZ, MANUAL LOPEZ, JOSE A. LUNA, RUTILIO RIVAS, and CAROLINA  
 27 RODRIGUEZ, and defendant SERVICE EMPLOYEES INTERNATIONAL UNION

1 LOCAL 87 hereby stipulate and request an order changing time, pursuant to Civil Local  
2 Rules 6-2 and 7-12, as follows:

3       1. Due to an unforeseen family medical emergency regarding his wife's  
4       pregnancy, as of October 30, 2012, attorney for defendant SEIU Local 87  
5       Kevin Brunner of the law firm Siegel & Yee is unable to prepare defendant's  
6       opposition to plaintiffs' pending renewed motion for class certification, filed  
7       October 23, 2012. Kevin Brunner was, until this moment, the primary acting  
8       attorney for defendant SEIU Local 87 in this matter, as well as the principal  
9       lawyer charged with preparing defendant's opposition. Although two other  
10       attorneys from Siegel & Yee have appeared in this matter, Dan Siegel and  
11       Jane Brunner, neither is available to prepare opposition to the pending  
12       motion by November 6, 2012, the current deadline for defendant's opposition.  
13       Jane Brunner is unavailable because she has taken a leave of absence from  
14       Siegel & Yee in order to conduct a political campaign for the elected position  
15       of City Attorney of Oakland, California. Dan Siegel, although he will still act as  
16       defendant's trial counsel in this matter, is not presently briefed on the  
17       detailed factual matters underlying plaintiffs' motion, and is also unavailable  
18       to prepare the opposition due to multiple scheduled conflicts, including a  
19       hearing in the Eastern District and several depositions. After Dan Siegel and  
20       Siegel & Yee learned of Kevin Brunner's unexpected and indefinite absence  
21       from Siegel & Yee, attorney Michael Siegel was assigned to the case. Upon  
22       receiving this assignment, Michael Siegel contacted opposing counsel Michael  
23       Strimling on October 30, 2012, to request an extension of three weeks, or  
24       more, to file papers in opposition to class certification. The parties hereby  
25       26  
27       28

1 propose that defendant's time to file an opposition be extended until  
2 November 27, 2012.

3 2. Hearing on plaintiffs' renewed motion for class certification is currently  
4 scheduled for November 29, 2012, at 1:30 p.m. This hearing date has not been  
5 rescheduled, prior to this request. The parties hereby propose that hearing on  
6 the renewed motion be rescheduled for January 10, at 1:30 p.m., with the  
7 reply brief of plaintiffs to be due on December 18, 2012, so that all these dates  
8 do not to conflict with planned holidays.  
9  
10 3. The parties do not anticipate that this requested time modification will have  
11 an effect on the schedule for this case.  
12

13 Dated: October 30, 2012  
14

15 SIEGEL & YEE  
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17 By: /s/ Michael Siegel  
18

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34 By: /s/ Michael Strimling  
35

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20 Attorneys for PLAINTIFFS

21 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

22 I, Michael S. Strimling, attest that concurrence in the filing of this document has  
23 been obtained from each of the other signatories. I declare under penalty of perjury  
24 under the laws of the United States of America that the foregoing is true and correct.  
25 Executed this 30th day of October, 2012 at Walnut Creek, California.

26 /s/ Michael Strimling

27 **ORDER**

28 The above stipulation having been considered, and good cause appearing  
therefore, IT IS SO ORDERED. Defendant SEIU may have until November 27, 2012 for  
filing and service of its opposition brief; plaintiffs shall have until December 18, 2012,

1 for filing and service of the reply brief; and the date for hearing for the Motion to Certify  
2 previously set for November 29, 2012, is hereby continued until January ~~30~~<sup>17,</sup> 2013 at  
3 1:30 p.m.  
4

5 DATED: 11/1/12



6 RICHARD SEEBOORG  
7 UNITED STATES DISTRICT JUDGE  
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